

John Elias Baldacci
Governor



John R. Nicholas
Commissioner

**Maine Department of Health and Human Services
Bureau of Elder and Adult Services
Assisted Living Licensing Services
442 Civic Center Drive
11 State House Station
Augusta, Maine 04333-0011**

August 17, 2005

TO: Interested Parties
FROM: Geoffrey Green, Deputy Commissioner, Operations and Support

SUBJECT: Modification of Chapter 113, *Regulations Governing the Licensing and Functioning of Assisted Housing Programs - Private Non-Medical Institutions.*

Pursuant to 5 MRSA § 20005(6), 22 MRSA § 7853, 22 MRSA § 8102(1), and 34-B MRSA § 1203-A, the Department of Health and Human Services is promulgating proposed rules for Private Non-Medical Institutions. Private Non-Medical Institutions are a category of licensed assisted housing programs that receive MaineCare funding. These changes are also proposed to comply with the Superior Court Order issued in November 2004 in Bates v. DHHS (the AMHI Consent Decree case).

These rules cover:

Level I Private Non-Medical Institutions that are 1 or 2 beds.

Level II Private Non-Medical Institutions that are 3-6 beds.

Level III Private Non-Medical Institutions that are 3-6 beds and employ more than 3 non related employees.

Level IV Private Non-medical Institutions that are 7 or more beds.

The amendments to the rules:

- clarify the definition of unlicensed assistive personnel to include unlicensed health care assistive personnel;
- reflect the name of the merged DHS and DBDS licensing units into the Division of Licensing and Certification, Community Services Programs;
- reflect the new name of the merged Department of Health and Human Services;
- expand grievance rights to comply with a court order of November 2004 in the AMHI Consent Decree case (Bates v. DHHS);
- clarify requirements for notification of rights;

- expand mandatory report of rights violations to reflect the language in the statute;
- modify medication and treatment requirements to clarify monitoring of training, to clear up confusion regarding medication and medication administration records when residents are discharged from the facility; and to make storage and/or count of discontinued medications easier for the providers;
- modify requirements related weekly time schedules to reflect actual time worked by staff in the facilities; and
- make technical administrative changes and changes in grammar and punctuation.

A public hearing on these regulations will be held on September 6, 2005 at 1 p.m. at DHHS – 442 Civic Center Drive – Augusta, Maine 04333 – Rooms 1A and 1B

Written comments regarding these regulations will be accepted through September 16, 2005.

Download the Proposed Regulations at: <http://www.maine.gov/dhhs/beas/rulemaking/>

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